

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

ROWVAUGHN WELLS,

Plaintiff,

v.

THE CITY OF MEMPHIS, *et al.*,

Defendants.

Case No. 2:23-cv-02224-MSN-ATC

JURY DEMAND

**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF  
MOTION TO AMEND COMPLAINT**

Pursuant to Local Rule 7.2(c), Plaintiff RowVaughn Wells, through her undersigned counsel, hereby moves for leave to file a reply in support of her Motion for Leave to File Amended Complaint (ECF 248) (“Motion to Amend”). Plaintiff has consulted with counsel for those Defendants who filed responses in opposition to Plaintiff’s Motion to Amend, and none of those Defendants oppose this request for leave to file a reply. In support of her motion, Plaintiff states as follows:

1. On November 30, 2024, Plaintiff filed her Motion for Leave to File Amended Complaint. ECF 248.

2. Prior to filing her Motion to Amend, Plaintiff sought consent from the Defendants. In response, the Defendants asked Plaintiff to provide them with a draft of the proposed amended complaint, and Plaintiff complied with this request, providing the Defendants with a substantively complete draft of the proposed amended complaint.

3. After receiving and reviewing the draft proposed amended complaint, multiple Defendants emailed Plaintiff indicating that they would oppose Plaintiff’s Motion to

Amend. However, other than informing Plaintiff of their opposition, none of the Defendants explained their reasons for opposing amendment.

4. On November 30, 2024, after hearing from the Defendants, Plaintiff filed her Motion to Amend. ECF 248.

5. Several of the Defendants subsequently filed responses in opposition to Plaintiff's Motion to Amend. *See* ECF 256 (Response by Defendant Robert Long); ECF 257 (Response by Defendant City of Memphis), ECF 263 (Response by Defendant Michelle Whitaker). In these responses, the Defendants advance multiple arguments in opposition to Plaintiff's request to amend her complaint, ranging from arguments grounded in Rule 16, to the trial date under the existing operative case schedule, to the purported unreliability of witnesses who testified at the criminal trial concerning Mr. Nichols' death. Plaintiff was not informed of these arguments at the time she filed her Motion to Amend, and therefore did not address them in her Motion.

6. Plaintiff seeks leave to file a reply brief in order to address the arguments raised by the various Defendants in their opposition briefs. The reply will allow the Court to hear from both sides on the various issues raised in the opposition briefs, which will assist the Court in adjudicating Plaintiff's Motion to Amend.

7. Plaintiff's counsel consulted with counsel for those Defendants who filed responses in opposition to Plaintiff's Motion to Amend, and none of those Defendants oppose this request for leave to file a reply.

WHEREFORE, for the reasons stated above, Plaintiff respectfully requests that the Court grant her leave to file a reply in support of her Motion for Leave to File Amended Complaint. In light of the holiday season, Plaintiff respectfully requests that the Court set the reply as due on January 10, 2025.

Dated: December 20, 2024

Respectfully submitted,

*/s/ Stephen H. Weil*

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individually and as Administratrix Ad Litem of the  
Estate of Tyre Deandre Nichols*

**CERTIFICATE OF CONSULTATION**

Pursuant to Local Rule 7.2(a)(1)(B), the undersigned hereby certifies that on December 18, 2024, counsel for the Plaintiff consulted with counsel for Defendants via email regarding the relief requested in this motion. Counsel for Defendants City of Memphis, Michelle Whitaker, Robert Long, Preston Hemphill, DeWayne Smith, and Emmitt Martin responded that they do not oppose Plaintiff's request for leave to file a reply brief. Counsel for Defendants Demetrius Haley, Justin Smith, Desmond Mills, Tadarrius Bean, and JaMichael Sandridge have not responded as of the time of this filing.

*/s/ Stephen H. Weil*

Stephen H. Weil